

REMARKS

In the instant application, claims 1-4, 13-17, 19-20, and 30-33 are under consideration, while claims 5-12, 18, and 21-29 were previously canceled. Applicants note that claims 19 and 20 are not indicated as pending in the Restriction Requirement mailed December 16, 2004, but this appears to be a typographical error. Applicants request correction of this error in the next Office Communication.

Claims 1-4 are amended herein to change the recitation of "Therapeutic protein X" to a "protein encoded by HEMCM42," which is one of the proteins listed in Table 1 of the specification (page 59, exemplary identifier W73409). Claims 30-33 have been added to recite further features of the invention. Support for claim 30 may be found, for example, on page 246, lines 24-32. Support for claims 31-33 may be found, for example, on page 243, lines 12-17. Thus, the amended claims are fully supported by the specification.

In response to the restriction requirement among Groups 1-2277 as listed in Table 1, Applicants herein elect with traverse a "protein encoded by HEMCM42" as the therapeutic protein X to be examined. Applicants reserve the right to file divisional applications on the non-elected inventions.

According to MPEP § 803, there are two requirements that must be met before a proper restriction requirement may be made: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required. Applicants respectfully submit that the Office has failed to establish the second requirement set forth in MPEP § 803, that a serious burden exists on the Examiner if restriction is not required between the Groups of claims.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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